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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,142	07/03/2001	Yiming Ye	YOR920010322US1	1198
30743	7590	03/04/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/897,142	YE ET AL.	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 27 January 2005.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 07032001.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 12 is objected to because of the following informalities: There appears to be a typographical error “of the organization,” in line 4. The Examiner recommends that the claim be amended to recite “of the organization.” Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. With regard to claim 1, the limitation “automatically adjusting a distance according to a level of privacy” is not described in the specification. It appears that Applicant may have been referring to the “distance” that an agent wants to provide to other agents, as discussed in Page 9, Lines 1-9 of the present application. However, no

language appears there that supports adjusting a distance according to a "level of privacy".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. With regard to claim 1, the term "level of privacy" which renders the claim indefinite. The term "level of privacy" is not defined by the claim or the specification, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how the "level of privacy" relates to the distance adjustment.

8. Claim 11 recites the limitation "the awareness information" in line 6. There is insufficient antecedent basis for this limitation in the claim.

9. Claims 6-10 each recite the limitation "the elastic spring model". There is insufficient antecedent basis for this limitation in the claims. The Examiner recommends that the claims be amended to recite "the elastic spring energy model".

10. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1,5,6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al. (US 6,453,336) in view of Roy (US 6,697,341) in further view of Donath ("Visual Who: Animating the affinities of an electronic community").

13. With regard to claim 1, Beyda discloses a method for automatically determining awareness settings among people in a distributed working environment comprising the steps of: receiving real-time data produced by an event (user adjustment) (Col 7, Lines 5-23); and automatically (automatic updates occur after timeouts) (Col 8, Lines 23-42) adjusting a distance (audio/video quality) according to a need of a collaborative project to have some shared information about individual user activities (video quality may be compromised to maintain audio connectivity) (Col 10, Line 61 to Col 11, Line 4). Beyda fails to disclose that the distance is adjusted according to a level of privacy desired by individual users or the use of an elastic spring energy model.

Roy discloses a similar system of adjusting the parameters of a videoconference.

Roy teaches adjusting the parameters according to a level of privacy desired by individual users (desired quality of audio/video for conference) (Col 5, Line 55 to Col 6, Line 7). This would have been an advantageous addition to the system disclosed by Beyda since it would have allowed users to specify a level of privacy for the system that would have controlled the quality level of the communication streams between participants. This would have allowed the user to control costs and/or the clarity with which users could see them in a conference.

Donath teaches the use of an elastic spring energy model to determine optimal "distances" for users of a system. Each user is connected to all of the possible affiliations by various springs with differing constants that reflect the correlation between the user and the affiliation. Once all the users are connected and the system reaches equilibrium, the optimal parameters for the system can be determined (Pages 4-5 and 7-8). This would have been an advantageous addition to the system disclosed by Beyda and Roy since it would have allowed the optimal affiliation ("distance") between users to be determined based on the preferences of each of the users and the needs of the system as a whole.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the distance according to a level of privacy desired by the users and use an elastic spring energy model to determine the optimal distance settings for the system based on the users preferences and the needs of the system as a whole.

14. With regard to claim 5, Beyda further discloses further comprising the step of dividing communications between different users into different channels (audio and video) and specifying a clearness level for each channel (video quality and audio quality can differ) (Col 10, Line 51 to Col 11, Line 4).

15. With regard to claim 6, Beyda further discloses that the elastic spring model is a dynamic model so that the step of automatically adjusting a distance takes into consideration events which happen at each user's site (each user can adjust their quality level independently) (Col 7, Lines 5-23).

16. With regard to claim 8, Donath further discloses that the elastic spring model determines potential energy vectors which encode a user's preference on distances (the affiliations are stored in a vector) (Pages 6, "Building the profile").

17. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al. (US 6,453,336) in view of Roy (US 6,697,341) in further view of Donath ("Visual Who: Animating the affinities of an electronic community") in further view of Hattori et al. ("Socialware: Multiagent Systems for Supporting Network Communities").

18. With regard to claim 2, while the system disclosed by Beyda, Roy, and Donath shows substantial features of the claimed invention (discussed above), it fails to

disclose that the step of automatically adjusting a distance is performed by a multi-agent system that automatically and selectively provides perceived information to others based on perceived events or status associated with others.

Hattori teaches the use of multiple agents to manage information about users in a community. Each user has an agent which can communicate with other agents in the system. The agents automatically recalculates the distances between users whenever a user changes their desired viewpoint weightings (Page 3, "CommunityOrganizer"). This would have been an advantageous addition to the system taught by Beyda, Roy, and Donath since it would have allowed each user's agent to automatically communicate changes in the preferences of the user to other users in the environment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multi-agent system to automatically adjust the distance based on changes in the user preferences and communicate the changes to other users of the system.

19. With regard to claim 3, Beyda further discloses that the elastic spring energy model governs reaction of an information system in real time when events or status changes (changes are made immediately) (Col 7, Lines 17-20).

20. With regard to claim 4, Hattori further discloses that each agent acts on its user's behalf to adjust an awareness level among different users (Each user has a personal agent) (Page 3, "CommunityOrganizer").

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS 2/23/2005



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